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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,186	11/28/2001	Afshan Ally	CA920000065US1	4495

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EXAMINER

KOROBOV, VITALI A

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,186

Applicant(s)

ALLY ET AL.

Examiner

Vitali Korobov

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. This Office Action is in response to the amendment filed on 05/13/2005. Claims 2 and 8 were cancelled. Claims 1 and 7 were amended. Claims 1, 3-7 and 9-14 are pending in this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1, 3-7 and 9-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not clearly describe which particular non-HTTP protocols the applicants have adopted for JSP invocation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-7 and 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,715,129 by Hind et al. (Hind).

With respect to claim 1, Hind teaches a computer program product for providing a composition service for invocation in a web server environment to format messages using specified JSP files (Col. 1, lines 62 – 65), the web server comprising an adapter process for accepting and responding to non-HTTP requests (Col. 6 lines 23 – 27, gateway 46), the computer program product comprising a computer usable medium having computer readable code means embodied in said medium, comprising computer readable program code means for implementing the composition service (Col. 6, lines 33 – 38), the composition service comprising a first execution path selectable when the composition service is invoked in response to an HTTP request in which first execution path the specified JSP files are executed directly in the web server environment (Col. 8, lines 52 – 56), the composition service comprising a second execution path selectable when the composition service is invoked in response to a non-HTTP request, in which second execution path a JSP execution method is identified for the specified JSP files and in which the specified JSP files are executed in accordance with the identified execution method (Col. 7, lines 22 – 32, use of intermediary, translation and/or transformation), the identified JSP execution method further comprising the generation

of an HTTP request to the web server to execute the specified JSP files. (Col. 2, lines 2 – 9).

With respect to claim 3, Hind teaches the computer program product of claim 1 in which the JSP execution method comprises a direct call to the servlet runtime in the web server with an object built by the composition service corresponding to the specified JSP files (Col. 1, lines 50 – 52 and lines 58 – 62).

With respect to claim 4, Hind teaches a method for invoking JSP formatting for messages generated in response to a non-HTTP request made to a web server, the method comprising the following steps: a) creating an adapter process for accepting non-HTTP requests (Col. 6, lines 18 – 27), b) the adapter process accepting the non-HTTP request, the request relating to a message defined by specified JSP files (Col. 7, lines 22 – 30), c) the adapter process generating an HTTP request to the web server corresponding to the specified JSP files (Col. 7, lines 22 – 25, 30 – 32), d) the web server responding to the HTTP request by executing the specified JSP files and returning a JSP-formatted message to the adapter process (Col. 2, lines 2 – 9), and e) the adapter process returning the JSP-formatted message in response to the non-HTTP request. (Col. 7, lines 48 – 50).

With respect to claim 5, Hind teaches the method of claim 4 in which the adapter process implements the step of generating an HTTP request to the web server, using a composition service available to format messages in response to both HTTP and non-HTTP requests (Col. 7, lines 48 – 50, non-HTTP request translation, Col. 8, lines 28 – 34, generation of HTML document in response to both HTTP and non-HTTP requests).

Claim 6 is rejected in view of the above rejection of claim 4. Claim 6 is essentially the same as claim 4, except that it sets forth the invention as a computer program product rather than a method, as does claim 4.

Claim 7 is rejected in view of the above rejection of claim 1. Claim 7 is essentially the same as claim 1, except that it sets forth the invention as a computer system product rather than a computer program, as does claim 1.

Claim 9 is rejected in view of the above rejection of claim 3. Claim 9 is essentially the same as claim 3, except that it sets forth the invention as a computer system product rather than a computer program, as does claim 3.

With respect to claim 10, Hind teaches the computer program product of claim 6 wherein said computer readable code comprises a computer readable signal and said medium comprises a computer readable signal bearing medium. (Col. 5, lines 37 – 39 and 43 – 45).

With respect to claim 11, Hind teaches the computer program product of claim 10 wherein said medium is a recordable data storage medium (Col. 5, lines 30 – 34).

With respect to claim 12, Hind teaches the computer program product of claim 10 wherein the medium is a modulated carrier signal. (Col. 6, lines 23 – 27, lines 33 - 39).

With respect to claim 13, Hind teaches the computer program product of claim 12 wherein the signal is a transmission over a network. (Col. 6, lines 11 – 15, lines 33 - 39).

Claim 14 is rejected in view of the above rejection of claim 4. Claim 14 is essentially the same as claim 4, except that it sets forth the invention as a computer program rather than a method, as does claim 4.

4. Claims 1, 3-7 and 9-14 are further rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,430,624 by Jamtgaard et al. (Jamtgaard).

With respect to claim 1, Jamtgaard teaches a computer program product for providing a composition service for invocation in a web server environment to format messages using specified JSP files (Col. 4, lines 17 – 20, col. 5 , lines 38 - 40), the web server comprising an adapter process for accepting and responding to non-HTTP requests (Col. 7 lines 13 – 17, non-PC requests, translation server 12), the computer program product comprising a computer usable medium having computer readable code means embodied in said medium, comprising computer readable program code means for implementing the composition service (Col. 4, lines 36 – 44), the composition service comprising a first execution path selectable when the composition service is invoked in response to an HTTP request in which first execution path the specified JSP files are executed directly in the web server environment (Col. 9, lines 66 – 67, col. 10, lines 1 - 7), the composition service comprising a second execution path selectable when the composition service is invoked in response to a non-HTTP request, in which second execution path a JSP execution method is identified for the specified JSP files and in which the specified JSP files are executed in accordance with the identified execution method (Col. 8, lines 25 – 31, operation of the wireless (i.e. non-HTTP) content delivery system teaches redirection to translation server 12; lines 41 – 45 – use of JavaScript), the identified JSP execution method further comprising the generation of an HTTP request to the web server to execute the specified JSP files. (Col. 10, lines 1 – 7).

With respect to claim 3, Jamtgaard teaches the computer program product of claim 1 in which the JSP execution method comprises a direct call to the servlet runtime in the web server with an object built by the composition service corresponding to the specified JSP files (Fig. 5, wireless device 15 directly calling Java servlet 60).

With respect to claim 4, Jamtgaard teaches a method for invoking JSP formatting for messages generated in response to a non-HTTP request made to a web server, the method comprising the following steps: a) creating an adapter process for accepting non-HTTP requests (Col. 7, lines 13 – 17), b) the adapter process accepting the non-HTTP request, the request relating to a message defined by specified JSP files (Col. 8, lines 41 – 45), c) the adapter process generating an HTTP request to the web server corresponding to the specified JSP files (Col. 5, lines 38 – 45, functionality of translation server), d) the web server responding to the HTTP request by executing the specified JSP files and returning a JSP-formatted message to the adapter process (Col. 5, lines 40 – 45, virtual browser functionality), and e) the adapter process returning the JSP-formatted message in response to the non-HTTP request. (Col. 9, lines 40 – 46).

With respect to claim 5, Jamtgaard teaches the method of claim 4 in which the adapter process implements the step of generating an HTTP request to the web server, using a composition service available to format messages in response to both HTTP and non-HTTP requests (Col. 7, lines 22 – 30).

Claim 6 is rejected in view of the above rejection of claim 4. Claim 6 is essentially the same as claim 4, except that it sets forth the invention as a computer program product rather than a method, as does claim 4.

Claim 7 is rejected in view of the above rejection of claim 1. Claim 7 is essentially the same as claim 1, except that it sets forth the invention as a computer system product rather than a computer program, as does claim 1.

Claim 9 is rejected in view of the above rejection of claim 3. Claim 9 is essentially the same as claim 3, except that it sets forth the invention as a computer system product rather than a computer program, as does claim 3.

With respect to claim 10, Jamtgaard teaches the computer program product of claim 6 wherein said computer readable code comprises a computer readable signal and said medium comprises a computer readable signal bearing medium. (Col. 7, lines 31 – 35. See also Fig. 2).

With respect to claim 11, Jamtgaard teaches the computer program product of claim 10 wherein said medium is a recordable data storage medium (Col. 7, lines 31 – 35. See also Fig. 2).

With respect to claim 12, Jamtgaard teaches the computer program product of claim 10 wherein the medium is a modulated carrier signal. (Col. 7, lines 31 – 35. A signal from a cellular phone is an example of a modulated carrier signal).

With respect to claim 13, Jamtgaard teaches the computer program product of claim 12 wherein the signal is a transmission over a network. (Col. 7, lines 1 - 5).

Claim 14 is rejected in view of the above rejection of claim 4. Claim 14 is essentially the same as claim 4, except that it sets forth the invention as a computer program rather than a method, as does claim 4.

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

5. Applicant's arguments filed 05/13/2005 have been fully considered but they are not persuasive.

With respect to claims 1, 3-7 and 9-14 rejection under 35 U.S.C. 112, first paragraph, the Applicants argue – *“Applicants respectfully submit that the claimed invention only requires or recites a “non-HTTP” request - it does not recite a particular type of non-HTTP. Consequently, the specification does not have to describe which particular type of non-HTTP is being claimed for the specification to meet its written description requirement. Indeed, the specification only has to disclose the word “non-HTTP” for it to meet the written description requirement.*

The Applicants further argue – *“Applicants respectfully submit that a person of ordinary skill in the art would have recognized that there were different types of non-HTTP requests implemented in a computer system at the time that the invention was filed. Therefore, Applicants respectfully submit that to meet the written description requirement, the specification does not have to disclose any of those non-HTTP requests”*

The Examiner respectfully refers the Applicants to the 35 U.S.C. 112, first paragraph, which provides, in relevant part: *“The specification shall contain a written*

description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention." The Examiner respectfully submits that the term "non-HTTP" does not comply with the *"full, clear, concise, and exact"* requirement of the 35 U.S.C. 112, first paragraph. Further, the Examiner respectfully points out that it is well known to anyone with ordinary skills in the legal profession that in the conflict of laws resolution, the 35 U.S.C. supercedes the MPEP. Therefore, the rejection is maintained.

With respect to claims 1, 3-7 and 9-14 rejection under 35 U.S.C. 102(e) as being anticipated by the U.S. Patent 6,715,129 by Hind et al. (Hind), the Applicants argue – *"Hind does not anticipate claim 1 because Hind does not disclose "the JSP execution method comprising the generation of an HTTP request. . ." in response to a non-HTTP request, as required by the claim. ... Because Hind does not disclose that the HTTP request is generated in response to a non-HTTP request as required by claim 1, Hind fails to disclose each and every element of the claim."*

The Examiner respectfully disagrees. In the relevant columns of Hint cited in the above rejection, a workstation 10 may connect to the gateway 46, using various non-HTTP protocols, and further teaches that an invocation of a Web page is typically done by transmitting an HTTP ... GET request from a client. Fig. 5 illustrates a simple output document resulting from execution of a JSP code (col. 5, lines 1-2) in response to a non-HTTP request (i.e. wireless client), showing HTML document with a statement

<form method=get>. Therefore, an HTTP request "GET" for a webpage is generated from execution of JSP code in response to a non-HTTP request from a client.

With respect to the rejection of claims 1, 3-7 and 9-14 under 35 U.S.C. 102(e) as being anticipated by the U.S. Patent 6,430,624 by Jamtgaard et al. (Jamtgaard), the Applicants argue – *"Jamtgaard does not anticipate claim 1 because it does not disclose a JSP method including the generation of an HTTP request as a result of a non-HTTP request.... Nothing in Jamtgaard suggests the generation of an HTTP request in response of a non-HTTP request. More importantly, Jamtgaard does not even discuss the use of JSP in connection with either HTTP or non-HTTP requests."*

The Examiner respectfully disagrees. Fig. 5 shows a non-HTTP request for content from a wireless client 15 entering content delivery system 10, and being processed by a Java Servlet 60. JSP, broadly interpreted, is a Java servlet, since JSP is simply an extension to the Java servlet technology from Sun that allows HTML to be combined with Java on the same page. The Java provides the processing, and the HTML provides the page layout that will be rendered in the Web browser. Fig.5 shows that subsequently the request enters a Content Connection Handler 40 and the content is retrieved from the content provider 13 using HTTP callout. Therefore, Jamtgaard does disclose a JSP method including the generation of an HTTP request as a result of a non-HTTP request.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

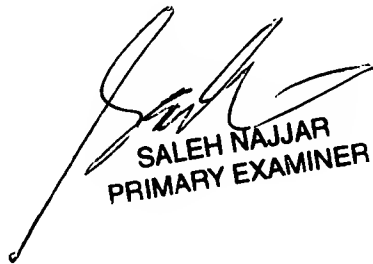
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov
Examiner
Art Unit 2155

VAK
07/15/2005



SALEH NAJJAR
PRIMARY EXAMINER